



# KNIGHT APPEAL 312 HAZEL DRIVE BUCK GULLY

# TIMELINE

2007 - Knight applied for building permit

City applied “stringline” under NR 23.6 and CLP 4.4.3-18 to reject building permit

Knight appealed

Planning Director found project consistent with Interim Criterion No. 7 and thus consistent with NR 23.6 and CLP 4.4.4-18



2008 - Planning Director established “line of development” for principal and accessory structures on Knight lot

2009 - Plans revised per “line of development” and building permit issued

2013 - Knight requested reissuance of same building permit

City applied same “stringline” under NR 23.6 and CLP 4.4.3-18 to reject building permit  
Knight appealed



**2013**

NO CHANGES IN GENERAL PLAN, LOCAL  
COASTAL PLAN OR ZONING ORDINANCE  
GOVERNING BUCK GULLY SINCE 2007

“PREDOMINANT LINE OF DEVELOPMENT”  
STILL NOT ADOPTED FOR BUCK GULLY

IMPLEMENTING PLAN STILL NOT ADOPTED  
FOR BUCK GULLY



# **BACKGROUND FACTS**



7,546 Square-Foot Lot – among largest on Hazel Drive above Buck Gully  
1,540 Square-Foot Home – built in 1953, among smallest on Hazel Drive above Buck Gully





15 homes to south have been remodeled and extend further into Buck Gully  
7 homes to north have been remodeled and 5 extend further into Buck Gully



Knight home is located between on large “transitional” lot between largest and smallest homes



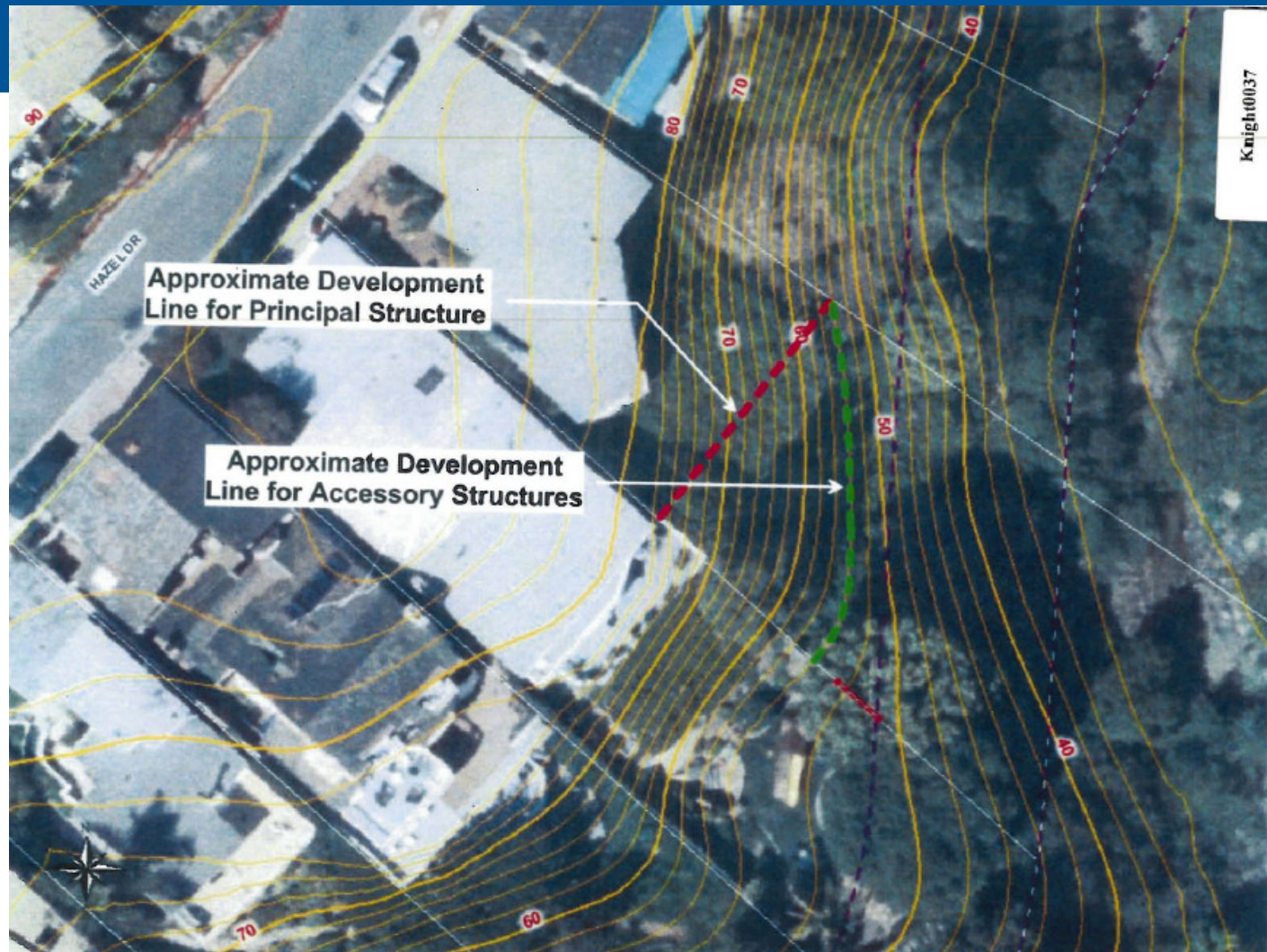


“Development” as defined by the Coastal Act extends from Hazel Drive deep into Buck Gully



310 Buck Gully – Partial View of Adjacent Rear Yard “Development”





“DEVELOPMENT LINE” ESTABLISHED BY PLANNING DIRECTOR IN 2008




**THIS APPEAL IS NOT ABOUT A  
“STRINGLINE”**

**IT IS ABOUT WHETHER THE KNIGHT  
BUILDING PERMIT IS CONSISTENT WITH  
NR POLICY 23.6 AND CLP POLICY 4.4.3-18.**



## Excerpt of NR Policy 23.6/CLP Policy 4.4.3-18

4.4.3-18 Establish canyon development setbacks based on the predominant line of existing development for Buck Gully and Morning Canyon. Do not permit development to extend beyond the predominant line of existing development by establishing a development stringline where a line is drawn between nearest adjacent corners of existing structures on either side of the subject property. Establish development stringlines for principle structures and accessory improvements.



**THE PLANNING DIRECTOR FOUND THE  
KNIGHT PROJECT WAS CONSISTENT WITH  
NR POLICY 23.6 AND CLP POLICY 4.4.3-18  
WHEN HE SET A “DEVELOPMENT LINE”  
UNDER CRITERION 7**

## Ordinance 2007-3

**A. Purpose.** To implement applicable design policies in the General Plan Land Use Element until the comprehensive re-write of Newport Beach Municipal Code title 20, Zoning is complete.

. . . .

**B. Criteria.** The following criteria shall be used in determining a project's consistency with the purpose of this Ordinance and with the General Plan.

**THE PURPOSE OF CRITERION 7 WAS TO DETERMINE  
CONSISTENCY WITH THE GENERAL PLAN**



## **OPTION 1**

UNTIL THE BUCK GULLY “PREDOMINANT LINE OF DEVELOPMENT” IS ADOPTED THROUGH IMPLEMENTING REGULATIONS, THE PLANNING COMMISSION CAN DETERMINE CONSISTENCY USING THE SAME POLICIES AS THE PLANNING DIRECTOR IN 2008



## OPTION 2

The “line of development” approved by the Planning Director in 2008 is consistent with **any** and **all** possible “predominant lines of development”



The “predominant line of development” considered by the GP/LIP Committee in 2009



**“Predominant line of development” calculated by Knight in 2007 –  
PRIMARY STRUCTURES**





**“Predominant line of development” calculated by Knight in 2007 –  
ACCESSORY STRUCTURES**



**View to south using Staff-proposed “Stringline”**





**“Stringline” on Buck Gully makes more than 30% of existing homes Non-Conforming**



**If used at all, “Stringline” should reflect similar topography,  
not just date of construction**



## OPTION 3



Stringline based on topography and existing setbacks



**Curve in Hazel Drive affects Buck Gully setbacks**



## **CONCLUSION**

OPTION 1: GRANT APPEAL AND ESTABLISH KNIGHT  
SETBACK BASED ON 2008 P.D. DETERMINATION  
AND NO CHANGES IN GP OR LCP

OPTION 2: GRANT APPEAL BASED ON FAIRNESS AND NO  
INTERFERENCE WITH FUTURE “PREDOMINANT  
LINE OF DEVELOPMENT”

OPTION 3: GRANT APPEAL AND ESTABLISH KNIGHT  
“STRINGLINE” USING BLOCK OF LOTS WITH  
SIMILAR TOPOGRAPHY AND SETBACKS